



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, July 14, 2010

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

The Rev. Anthony Coleman, Ward 5

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20100669 Marietta Citizens' Police Academy

Graduates from the Marietta Citizens' Police Academy are

Jonathan Beasley	Deborah Huwaldt
Timothy Boyd	Lori Nelson
Timothy Bricker	Erle Newton
Lamar Cheatham	Patricia Powers
Austin Cobb	Francis Reeves
Jason Cochran	Marshal Reeves
David Ellis	Judith Roberts
Kyle Henderson	Joyce Taaffe
Rebecca Herrera	William Taaffe
Karen Hinton	Valerie Turley
Amy Hunkler	

PROCLAMATIONS:

20100817 Proclamation - Parks and Recreation Month

Presentation of a Proclamation declaring July 2010 as "Parks and Recreation Month" in the City of Marietta and encouraging all citizens to enjoy what their community has to offer by taking part in their favorite sports, visiting the outdoors and spending time with friends and family.

20100818 Proclamation - Disciples Mission Food Pantry Day

Presentation of a Proclamation declaring Monday, July 5, 2010 as "Disciples Mission Food Pantry Day" in the City of Marietta and on behalf of all citizens, we recognize this worthy organization for the community services they perform.

20100823 Proclamation - Katie Thompson

Presentation of a Proclamation to Ms. Katie Thompson, who, through her caring diligence and professionalism as a dental hygienist saved the life of Ms. Robinson-Alexander.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20100789 Regular Meeting - June 9, 2010**

Review and approval June 9, 2010 regular meeting minutes.

Council Member Goldstein Abstaining.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

20100370 Z2010-05 Spruell Taylor Real Estate Investments, LLC

Z2010-05 [ZONING] SPRUELL TAYLOR REAL ESTATE INVESTMENTS, LLC - Approval of an Ordinance rezoning property located in Land Lot 12310, District 16, Parcel 0420, 2nd Section, Marietta, Cobb County, Georgia and being known as 223 Crescent Circle from OI (Office Institutional) to OI (Office Institutional) with an additional use for retail florist. Ward 3.

Planning Commission recommends approval as stipulated

Vote: 7 – 0 – 0

Stipulation: Subject to submittal of the site plan including parking, driveway, streets, stormwater management, stormwater quality, downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual.

Mr. Gillis recommended approval, as stipulated, seconded by Mr. Kinney.

PUBLIC HEARING (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****20100753 FY 2011/2012 Fund Work Program (MRC)**

Motion to approve the FY 2011/2012 Work Program for the Marietta Fund for Neighborhood and Community Revitalization.

20100743 Height Guidance for Historic Marietta Square Task Force

Approval of an Ordinance amending Section 1-10-6-110, to delete in its entirety "Marietta Redevelopment Task Force," including items A-F and to add a new section "Height Guidance for Historic Marietta Square Task Force."

Council Member Goldstein disclosed that he, family members and other entities he has ownership in or family members have ownership in, own property in Downtown Marietta.

2. Finance/Investment: Annette Lewis, Chairperson

* **20100764 Finance/Tax division expenses increased from collecting back taxes**

Approval of an Ordinance amending the Fiscal Year 2010 General Fund budget to appropriate increased reimbursement revenue from back taxes to cover the cost of collection agency expenses.

20100636 FY2011 Welcome Center Contract

Motion approving a request to allocate hotel/motel and 3% auto rental tax funds according to the FY2011 Preliminary Budget Welcome Center Contract Worksheet and approve the FY2011 Welcome Center contract.

Council member Goldstein disclosed that he serves on the Board of Directors of the Welcome Center (Council appointee), has membership with the Marietta Museum of History, the Marietta-Cobb Museum of Art, and Cobb Landmarks & Historical Society. Further, Council Goldstein is the landlord for the Theatre in the Square and is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc., (Strand Theatre). Council member Goldstein abstains on matters dealing with Theatre in the Square, Lyric Theatre and Friends of the Strand as it pertains to funding from the 3% auto tax.

Council member Pearlberg disclosed that he is on the Marietta Museum of History Board of Directors; he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. Further, his wife is a member of the Georgia Ballet.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20100739 Brumby Hall - Public Hearing**

Approval of an Ordinance designating Brumby Hall, located at 472 Powder Springs Street, as a historic property.

PUBLIC HEARING

Council Member Goldstein Voting Against

* **20100740 Clarke Library - Public Hearing**

Approval of an Ordinance designating the Clarke Library, located at 156 Church Street, as a historic property.

PUBLIC HEARING

Council Member Goldstein Voting Against

* **20100741 Marietta Waterworks - Public Hearing**

Approval of an Ordinance designating the Marietta Waterworks, located at 426 Sessions Street, as a historic property.

PUBLIC HEARING

Council Member Goldstein Voting Against

20100659 Church Street and Cherokee Street Truck Zones

Approval of an Ordinance amending City Code 5-4-180, Truck Route to include:

5. Exceptions

This Ordinance shall not apply to any police, fire, ambulance or other public safety vehicle; vehicles owned or operated by the City; or vehicles owned or operated by designated representatives or contractors of the City actively engaged in the repair, maintenance or construction of City streets, street improvements or utilities within City's rights of way.

* **20100754 Contract approval - Unifund**

Motion approving the Unifund contract for collection of outstanding red-light citations.

20100744 Noise Ordinance

Approval of Noise Ordinance amending Chapter 6, part 10 of the Code of Marietta, Georgia Section 10-6-100 Enforcement Procedures.

Council Member Lewis Voting Against

* **20100792 Suspension of Rules of Order**

Motion to suspend the Rules of Order to approve File Reference Number 20100777, Amendments to City Code to remove all references to "Committee of the Whole" and insert the new state changes to the City Charter.

* **20100777 Amendments to City Code**

Approval of Ordinance amending the Marietta City Code to remove the phrase "Committee of the Whole" and insert the new language from the new state changes to the City Charter.

20100745 Pain Clinic Moratorium

Motion to approve a ____ day moratorium on issuing business licenses for pain management clinics.

4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson*** 20100654 Art in the Park**

Motion approving a request for the sale and consumption of beer and wine adjacent to Glover Park in accordance with Ordinance 10-4-070 C. and E. during the Art in the Park Festival show hours on September 4-6, 2010 with the stipulation that the applicant conduct the sale of beer and wine from a location on a portion of the street at the corner of North and East Park Square.

5. Personnel/Insurance: Van Pearlberg, Chairperson*** 20100742 Resolution of Council**

Approval of a Resolution of Council to hold all council meetings whether called, regular or special in the Council Chamber, except as otherwise specified in the call of the meeting. Staff shall endeavor to record all council meetings held in the council chamber by audio/video and make available on the city's web page not including Executive Session, which shall be held at a specified location, or any other exceptions to Georgia Law. This shall be effective immediately upon passage by council and continue until altered by a Resolution of Council.

*** 20100766 Marietta Redevelopment Corporation Officers**

Approval of appointments of Ronald H. Francis for Chairman and Terry G. Lee for Vice Chairman of the Marietta Redevelopment Corporation.

6. Public Safety Committee: Anthony Coleman, Chairperson*** 20100698 Standard Operating Procedures**

Motion approving revisions to the Standard Operating Procedure for the Marietta Police Department: A020 Deadly & Non Deadly Force, A041 Organizational Structure, A072 Departmental Records, C050 Crime Prevention, C020 Community Response Unit, P010 Patrol Operations, P015 Video & Audio Recording Equipment, P046 Legal Process, S020 Canine Program, and S045 Crime Interdiction Unit.

7. Public Works Committee: Jim King, Chairperson*** 20100721 Electronic Speed Monitor**

Motion to place an electronic speed monitor on a temporary basis in the vicinity of 84 Polk Street.

*** 20100748 Waddell Street Sidewalk Closure**

Motion authorizing request by Choate Construction to close Waddell Street sidewalk temporarily and install temporary mid-block crossing.

*** 20100763 Stream Buffer Variance Request**

Motion authorizing request by Dr. Greg Nesmith, Homeowner at 335 N. Hillcrest Dr, for a stream buffer variance allowing water quality improvements to offset impact to the stream buffer.

*** 20100783 Property acquisition - 56 Whitlock Avenue**

Motion authorizing acquisition of donated right of way deed and construction easement at 56 Whitlock Avenue from First Methodist Church for the purpose of the South Marietta Parkway Median and Sidewalks Improvements Project

Mayor Steve Tumlin disclosed that he served for a period of time as the Chairman of the Board of Trustees for the First Methodist Church.

SCHEDULED APPEARANCES:**UNSCHEDULED APPEARANCES:****OTHER BUSINESS:***** 20100784 Coventry Township Lane Speed Limit**

Motion to approve a request by Citizen for speed limit reduction and signage on Coventry Township Lane.

20100790 BLW Actions of July 6, 2010

Review and approval of the July 6, 2010 actions and minutes of the Marietta Board of Lights and Water.

ADJOURNMENT: